

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH	)	
TELECOMMUNICATIONS, INC. D/B/A	)	
SOUTH CENTRAL BELL TELEPHONE	)	CASE NO.
COMPANY FOR EXEMPTION OF ITS	)	92-354
TELEMESSAGING SERVICES FROM	)	
REGULATION	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed November 5, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost and contribution information contained in its response to Item 2 of the Commission's Order dated October 6, 1992 on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

As part of its response to Item 2 of the Commission's Order dated October 6, 1992, South Central Bell has provided cost and contribution levels on individual network features. By this petition, South Central Bell seeks to protect this information as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of the information through all

appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Many equipment manufacturers such as providers of PBX service can provide through their equipment features which are functionally equivalent to the individual network features for which South Central Bell has provided cost and contribution levels. Disclosure of the information sought to be protected would allow these competitors to more readily compete with South Central Bell's services by knowing South Central Bell's operating costs as well as contribution for the features. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost and contribution levels provided in its response to Item 2 of the Commission's Order of October 6, 1992, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 24th day of November, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director